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In re Application of	:
YAMAMICHI, et al.	:
Application No.: 10/557,197	:
PCT No.: PCT/JP04/08085	:
Int. Filing Date: 03 June 2004	:
Priority Date: 04 June 2003	:
Attorney Docket No.: 2005_1754A	:
For: INFORMATION PRESENTATION	:
SYSTEM, MANAGEMENT DEVICE,	:
AND TERMINAL DEVICE	:

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371. The combined declaration and power of attorney filed 17 November 2005 is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 03 June 2004, applicant filed international application PCT/JP04/08085, which claimed priority to an earlier application filed 04 June 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 16 December 2004. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 04 December 2005.

On 17 November 2005, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an assignment document for recording; a First Preliminary amendment and an executed combined declaration and power of attorney.

DISCUSSION

37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

The declaration submitted on 17 November 2005 was executed by Masami Yamamichi,

Satomi Yamamichi and Keiko Yamamichi heirs of the estate of deceased inventor, Masato Yamamichi. However, the filed declaration does not satisfy the requirements under 37 CFR 1.497 (a)-(b). Specifically, the oath or declaration must provide the citizenship, residence, and mailing address of both the deceased inventor and the signing heirs per 37 CFR 1.497(a)(3) and 37 CFR 1.63. The present declaration provides this information for the signing heirs but is blank for the deceased inventor Mr. Masato Yamamichi. In addition, applicant is required to provide a statement that the declaration lists all of the heirs of the deceased inventor and that a legal representative has not been appointed nor is statutorily required to be appointed.

CONCLUSION

Applicant's petition under 37 CFR 1.42 is **DISMISSED, without prejudice.**

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b). Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.42." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.


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